

REMARKS

Reconsideration is requested.

Claim 5 has been canceled, without prejudice. The recitations of claim 5 have been inserted into the independent claim 1, to advance prosecution and without prejudice.

Upon entry of the above amendments, claims 1-4, 6-13 and 18-23 will be pending. No new matter has been added. As the subject matter of claim 5 has already been examined, entry of the above amendments will not raise new issues requiring further search and/or consideration. Entry of the above amendments is requested.

Return of an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statement of May 9, 2000, which lists WO 99 49730, is requested.

The Section 102 rejection of claims 1-4, 6-12 and 22 over WO 96/24329 is obviated by the above wherein the subject matter of claim 5, which was indicated as being patentable over the cited reference, has been inserted in independent claim 1. Entry of the above amendments will obviate the Section 102 rejection of claims 1-4, 6-12 and 22 over WO 96/24329. Accordingly, at a minimum, entry of the above amendments will reduce the issues for any potential Appeal. Entry of the above amendments and withdrawal of the Section 102 rejection of claims 1-4, 6-12 and 22 over WO 96/24329, are requested.

The Section 103 rejection of claim 5 over WO 96/24329 will be moot upon entry of the above amendments. Entry of the above and withdrawal of the Section 103 rejection of claim 5 are requested.

The Section 103 rejection of claims 1-13 and 18-23 over WO 96/24329 in view of U.S. Patent No. 5,552,425, is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

As shown in example 4, on pages 7 and 8 of the specification, the combination of 3-iodo-2-propynyl butyl carbamate and 3-(2-ethylhexyloxy)-1,2-propanediol, at doses at which each of their individual antifungal activities is lost, remains effective and shows reinforced antifungal activity.

The 3-(2-ethylhexyloxy)-1,2-propanediol is not disclosed in WO 96/24329 or U.S. Patent No. 5,552,425.

In view of WO 96/24329 and U.S. 5,552,425, it would therefore not have been obvious to one of ordinary skill in the art to have used IBC in combination with the specific claimed polyol, resulting in a strong and long-lasting antifungal activity.

Thus, the invention as claimed in claim 1 would not have been *prima facie* obvious over WO 96/24329 or U.S. Patent No. 5,552,425.

Regarding claim 23, even if the compositions according to the invention are useful for personal cleansing and/or skin treating applications, as mentioned in WO 96/24329, it would not have been obvious to one of ordinary skill in the art, in view of WO 96/24329, to have used the claimed compositions for the treatment of inflammatory and/or desquamating skin disorders associated with *Malassezie* spp. Indeed, this activity differs from the activity against perineal dermatitis disclosed in the cited reference.

Withdrawal of the Section 103 rejection of claims 1-13 and 18-23 is requested.

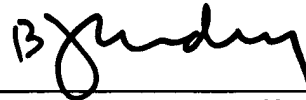
SAINT-LEGER, D.
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The claims, as amended above, are submitted to be in condition for allowance and
a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:plb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100